



Judgment of the Court in Case C-131/25 | Dris

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Access to medical studies in Belgium: a student who has completed a significant part of their education in that Member State whilst residing in another Member State may not be subject to the quota system applicable to non-resident students

The existence of a genuine and effective connection between the student in question and Belgium must be taken into account

Mr Axel Dris, a Luxembourg national resident in Luxembourg, completed his education and obtained his diploma of completion of secondary education in Arlon, a town on the Belgian border. In 2022, he passed the entrance and access examination for medical and dental sciences studies in Belgium. However, because he was resident in Luxembourg, he was subject to the quota system applicable to non-resident students. Given his ranking, he did not obtain the certificate of achievement required for enrolment as a first-year undergraduate student in medicine at a university in the French Community of Belgium. Mr Dris sought the annulment of that decision.

Hearing the case, the Belgian Council of State asked the Court of Justice whether the system of quotas for non-resident students could be applied to candidates who, whilst residing in another Member State, had completed a significant part of their education in Belgium and had obtained their diploma of completion of secondary education there.

In its judgment, the Court answers in the negative.

It points out that Member States are competent to determine the content of teaching and the organisation of their education systems. However, they must exercise that competence in compliance with EU law, in particular the principle of non-discrimination on grounds of nationality. Legislation which subjects non-resident students to a quota system is likely to place nationals of other Member States at a further disadvantage. It therefore constitutes indirect discrimination on grounds of nationality, which is prohibited unless it is objectively justified and proportionate to the objective pursued.

In that regard, the Court notes that the Belgian legislation pursues, in particular, the objective of guaranteeing a high-quality medical service and of protecting public health by ensuring a sufficient number of healthcare professionals who establish themselves in the French Community of Belgium in order to practise a medical profession there. That objective may justify a difference in treatment between resident and non-resident students. That measure must however be appropriate to attain that objective and not go beyond what is necessary.

In those circumstances, the Court notes that **the fact of having completed a significant part of one's education in a Member State and having obtained one's diploma of completion of secondary education there is such as to establish a real link with the society of that Member State**. Integration, as such, within the education system, on the one hand, and the involvement in ancillary activities and development of social relationships, which are essential complements of the pursuit of studies within that system, on the other, are such as to establish **a real and effective degree of connection between the student concerned and that Member State**. That link, arising from the student's education in a Member State, is **not called into question merely because the student resides in another Member State**.

However, **the Belgian legislation is based exclusively on residence and does not allow for such a connection to Belgium to be taken into account.** It thus subjects to the quota system applicants who, by virtue of their education, have a real and effective link with that State. The Court therefore considers that **that legislation is not proportionate to the objective of protecting public health.**

NOTE: A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice about the interpretation of EU law or the validity of an EU act.

The General Court has jurisdiction to deal with requests for a preliminary ruling which fall exclusively within (1) the common system of value added tax (VAT), (2) excise duty, (3) the Customs Code, (4) the tariff classification of goods in the Combined Nomenclature, (5) compensation and assistance to passengers in the event of denied boarding or delays or cancellation of transport services, or (6) the scheme for greenhouse gas emission allowance trading. The Court of Justice has jurisdiction to hear all other requests for a preliminary ruling.

Neither the Court of Justice nor the General Court decides the national dispute. It is for the national court or tribunal to dispose of the case in accordance with the Court's decision, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

Unofficial document for media use, not binding on the Court of Justice. The presentation of the facts and the legal framework refers to the relevant period and is based on the case file.

The [full text and, as the case may be, an abstract](#) of the judgment is published on the CURIA website on the day of delivery.

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